

Notice of Allowability

Application No.

09/846,222

Examiner

Qamrun Nahar

Applicant(s)

HUNDT, ROBERT

Art Unit

2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the appeal brief filed on 03/16/2006.
2. ☒ The allowed claim(s) is/are 1, 4-10, 13-19 and 21-28, renumbered 1-23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

1. This action is in response to the appeal brief filed on 03/16/2006.
2. The rejection under 35 U.S.C. 102(e) as being anticipated by Gorshkov (U.S. 6,490,721) to claims 1-2, 4-6, 10-11, 13-15 and 19-28 is withdrawn in view of applicant's remarks/arguments.
3. The rejection under 35 U.S.C. 103(a) as being unpatentable over Gorshkov (U.S. 6,490,721) in view of Leask (U.S. 6,412,106) to claims 7-9 and 16-18 is withdrawn in view of applicant's remarks/arguments.
4. Claims 1, 10 and 19 have been amended (See Examiner's Amendment below).
5. Claims 2, 11 and 20 have been canceled (See Examiner's Amendment below).
6. Claims 1, 4-10, 13-19 and 21-28 are pending.
7. Claims 1, 4-10, 13-19 and 21-28 are allowed, renumbered 1-23.

EXAMINER'S AMENDMENT

8. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Tuan V. Ngo (Reg. No. 44,259) on May 8, 2006.

The application has been amended as follows:

In the Claims:

Please cancel claims 2, 11 and 20.

Please amend claims 1, 10 and 19 as follows:

1. (Currently Amended) A method for augmenting a debugger having debugging functionality used to debug a first program, comprising the steps of:
 - providing the debugger;
 - providing a second program having second-program functionality; and
 - providing integration code for invoking a piece of code to perform a task
in response to a debugging command, based on types of a
breakpoint;wherein if the breakpoint is a debugging breakpoint, then the piece of code is selected from the debugging functionality, else if the breakpoint is an instrumentation breakpoint, then the piece of code is selected from the second-program functionality, wherein an instrumentor is used as the second program.
2. (Canceled)
10. (Currently Amended) A computer system for augmenting a debugger having debugging functionality used to debug a first program, comprising:
 - the debugger;
 - a second program having second-program functionality; and

integration code for invoking a piece of code to perform a task

in response to a debugging command, based on types of a
breakpoint;

wherein if the breakpoint is a debugging breakpoint, then the piece of code
is selected from the debugging functionality, else if the breakpoint
is an instrumentation breakpoint, then the piece of code is selected
from the second-program functionality, wherein an instrumentor is
used as the second program.

11. (Canceled)

19. (Currently Amended) A computer-readable storage medium embodying
instructions that cause a computer to perform a method for augmenting a
debugger having debugging functionality used to debug a first program, the
method comprising the steps of:

providing the debugger;

providing a second program having second-program functionality; and

providing integration code for invoking a piece of code to perform a task

in response to a debugging command, based on types of a
breakpoint;

wherein if the breakpoint is a debugging breakpoint, then the piece of code

is selected from the debugging functionality, else if the breakpoint

is an instrumentation breakpoint, then the piece of code is selected

Art Unit: 2191

from the second-program functionality, wherein an instrumentor is used as the second program.

20. (Canceled)

- END -

REASONS FOR ALLOWANCE

9. The following is an examiner's statement of reasons for allowance:

The cited prior art taken alone or in combination fail to teach, in combination with the other claimed limitations, wherein if the breakpoint is a debugging breakpoint, then the piece of code is selected from the debugging functionality, else if the breakpoint is an instrumentation breakpoint, then the piece of code is selected from the second-program functionality, wherein an instrumentor is used as the second program as substantially recited in independent claims 1, 10 and 19.

The closest cited prior arts, the combination of Gorshkov (U.S. 6,490,721) and Leask (U.S. 6,412,106) teaches a method for debugging a target program. However, the combination of Gorshkov (U.S. 6,490,721) and Leask (U.S. 6,412,106) fails to teach wherein if the breakpoint is a debugging breakpoint, then the piece of code is selected from the debugging functionality, else if the breakpoint is an instrumentation breakpoint, then the piece of code is selected from the second-program functionality, wherein an instrumentor is used as the second program as substantially recited in independent claims

Art Unit: 2191

1, 10 and 19; and as pointed out by the applicant's appeal brief's remarks/arguments on pg. 7, par. 7 to pg. 11, par. 2.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

10. Any inquiry concerning this communication from the examiner should be directed to Qamrun Nahar whose telephone number is (571) 272-3730. The examiner can normally be reached on Mondays through Fridays from 9:30 AM to 6:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y Zhen, can be reached on (571) 272-3708. The fax phone number for the organization where this application or processing is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

Art Unit: 2191

have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Qamrun Nahar
May 9, 2006



WEI ZHEN
SUPERVISORY PATENT EXAMINER